

# Notice of Allowability

Application No.

10/791,800

Examiner

Jeff H. Aftergut

Applicant(s)

NORRBY, NICLAS

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to petition to make special dated 4-24-06 and preliminary amendment dated 2-15-06.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 7-21-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: None of the prior art of record taught or suggested that one skilled in the art would have attached a continuous elastic member to an elastic web where a predetermined adhesive pattern was placed upon the elastic web for joining the elastic member to the elastic web followed by application of a non-elastic web over the elastic web wherein the non-elastic web covered the adhesive pattern to lock the elastic between the elastic web and the non-elastic web where the non-elastic web was given a band shape with first and second non-linear edges and the shape of the non-elastic web coincided with the shape of the adhesive pattern applied to the elastic web. The reference to Kielpikowski suggested the severing of the two edges of a non-woven web to coincide with an adhesive pattern (and to coincide with an elastic sandwiched between the non-woven webs), however there is no reason to provide one of the webs as an elastic web in such an arrangement as the assembly (Figure 10) was used as a containment sheet for a diaper and such related to the topsheet of the assembly. The reference to Tanji et al as well as Erdman et al applied elastic and sandwiched the same between two webs followed by severing in order to render the elastic along the edge and to make the nonwoven webs therein follow the contour of the elastics. However neither provided for a second cut along the other (second) edge to provide the nonwoven, non-elastic web with the required shape. Additionally, neither reference suggested the use of an elastic web which was coated with an adhesive. The reference to VanErperen et al suggested that one skilled in the art would have desired to attach an elastic member to an elastic

Art Unit: 1733

web in the manufacture of a diaper, however the reference did not cover the same with a non-elastic web which was given the shape of the adhesive used to join the elastic to the web in the operation. The reference to Igaue et al suggested the severing of the elastic disposed outside of the assembly of the webs with the elastic and the snap-back of the same. The reference did not teach the giving of the non-elastic web the shape which coincided with the shape of the adhesive on opposite edges and failed to suggest that one of the webs would have been an elastic web which was initially provided with the adhesive thereon. The references submitted in the petition to make special have been considered and have been made of record, however they are not considered any more pertinent than the references discussed above and do not satisfy the requirements to make a prima facie case for the reasons presented in the petition to make special.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1733

JHA  
September 11, 2006